

**City of Northampton**  
MASSACHUSETTS

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*In City Council, November 20, 2014*

Upon recommendation of the Mayor

*Ordered, that*

WHEREAS, a petition has been duly filed to layout and accept Clark Street as a public way;  
and

WHEREAS, the petition has been referred to the Planning Board and to the Board of Public Works; and

WHEREAS, the Board of Public Works has held a duly noticed public hearing on the petition to layout and accept the public way; and

WHEREAS, both the Planning Board and the Board of Public Works have recommended laying out and accepting Clark Street as a public way;

NOW, THEREFORE, BE IT ORDERED

That the City Council authorizes the acquisition by gift, purchase, eminent domain or otherwise, an easement in and over the parcels of land shown as shown as "Cooke Avenue" on a plan entitled, "Plan of Land in Northampton, Massachusetts, Hampshire County, Surveyed for the City of Northampton," dated June 16, 2014, for the purpose of laying out, establishing and accepting public ways thereon.

Further, that the City Council hereby lays out, establishes and accepts as a public way the parcels to be acquired hereunder.

And further, that no damages shall be payable as a result of the any taking authorized herein and no betterments shall be assessed as a result of the laying out, establishing and accepting such public way.

### **ORDER OF TAKING**

The undersigned, being the duly elected and sitting members of the City Council of the City of Northampton, in the Commonwealth of Massachusetts, acting under the authority of and in accordance with the provisions of General Laws of the Commonwealth, as from time to time amended, and more particularly Chapter 79, and pursuant to the Order of the Northampton City Council, a true copy of which is attached hereto, does hereby take a perpetual easement for and on behalf of the Inhabitants of the City of Northampton over the parcels referenced below. The purpose of the taking hereunder is the laying out, establishing and accepting of a public way in and for the City of Northampton in accordance with Mass. Gen Laws ch. 82, and Northampton Code of Ordinances, § 285-31, et seq.

The parcels hereby taken are shown as "Clark Street" on a plan entitled, "Plan of Land in Northampton, Massachusetts, Hampshire County, Surveyed for the City of Northampton," dated June 16, 2014, to be recorded herewith. The parcels are more particularly bounded and described as set forth on Exhibit A, attached hereto.

No damages shall be payable as a result of this taking and no betterment shall be assessed as a result of the laying out and acceptance of the public way herein.

[THE REMAINDER OF THIS PAGE INTENTIONALL LEFT BLANK]

IN WITNESS WHEREOF, We, the City Council of the City of Northampton, have executed this Order of Taking this            day of            , 2014.

WITNESS TO ALL:

CITY COUNCIL, CITY OF NORTHAMPTON, MA

\_\_\_\_\_  
William H. Dwight  
AT-LARGE COUNCILOR

\_\_\_\_\_  
Jesse M. Adams  
AT-LARGE COUNCILOR

\_\_\_\_\_  
Maureen T. Carney  
WARD 1 COUNCILOR

\_\_\_\_\_  
Paul D. Spector  
WARD 2 COUNCILOR

\_\_\_\_\_  
Ryan R. O'Donnell  
WARD 3 COUNCILOR

\_\_\_\_\_  
Gina-Louise Sciarra  
WARD 4 COUNCILOR

\_\_\_\_\_  
David A. Murphy  
WARD 5 COUNCILOR

\_\_\_\_\_  
Marianne L. LaBarge  
WARD 6 COUNCILOR

\_\_\_\_\_  
Alisa Klein  
WARD 7 COUNCILOR

CERTIFICATE OF THE CLERK  
CITY COUNCIL, CITY OF NORTHAMPTON, MA

I, Pamela L. Powers, the Clerk of the City Council of the City of Northampton, MA, hereby certify that the attached Order of Taking of certain easements located in Northampton, Hampshire County, Massachusetts, was executed on            2014, by William H. Dwight, Jesse M. Adams, Maureen T. Carney, Paul D. Spector, Ryan R. O'Donnell, Gina-Louise Sciarra, David A. Murphy, Marianne L. LaBarge, and Alisa Klein, who as of that day, were and are the duly elected members of the City Council of the City of Northampton, MA.

Signed this            day of            , 2014.

\_\_\_\_\_  
Pamela L. Powers  
Clerk to City Council  
City of Northampton, Massachusetts

## EXHIBIT A

Beginning at a point, said point marks the northeasterly corner of a parcel, now or formerly Michael A. Klein & Amy L. Fowler as described in a deed recorded in Book 7145 Page 45 of the Hampshire Registry District, said point being located on the southerly line of Ryan Road, said point bearing N 37°13'19" E, a distance of 131.70 feet from an iron pipe found, said point being the northwesterly corner of the parcel herein described, thence;

N 37°13'19" E along said Ryan Road, a distance of 48.28 feet, to a point, said point marks the westerly line of a parcel, now or formerly Benjamin Borden as described in a deed recorded in Book 10930 Page 104 of the Hampshire Registry District, said point being the northeasterly corner of the parcel herein described, thence;

S 14°32'51" E through said Borden, a distance of 45.31 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 28°42'15" E along said Borden, a distance of 122.56 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 38°19'26" E along said Borden, and land now or formerly Nancy Stark Smith as described in a deed recorded in Book 4452 Page 92 of the Hampshire Registry District, a distance of 175.92 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 30°30'21" E along said Smith, a distance of 49.81 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 18°07'39" E along said Smith, a distance of 76.97 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 07°39'04" E along said Smith, a distance of 69.40 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 01°30'16" W along said Smith, a distance of 6.53 feet to a point, said point marked by an iron pipe found, said point being the northwesterly corner of a parcel, now or formerly Steven R. Aronstein & Diana E. Johnson as described in a deed recorded in Book 7115 Page 180 of the Hampshire Registry District, said point marks the easterly side line of the parcel herein described, thence;

S 01°30'16" W along said Aronstein & Johnson and land now or formerly James & Christine M. Foudy as described in a deed recorded in Book 4525 Page 344 of the Hampshire Registry District, a distance of 236.21 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 02°11'58" W along said Foudy, a distance of 2.09 feet to a point, said point marks the

northwesterly corner of a parcel, now or formerly City of Northampton as described in an order of taking recorded in Book 1079 Page 73 and a deed recorded in Book 1110 Page 303 of the Hampshire Registry District, said point marks the easterly side line of the parcel herein described, thence;

S 02°11'58" W along said City of Northampton, a distance of 155.80 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 10°41'18" W along said City of Northampton, a distance of 72.22 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 79°18'42" E through said City of Northampton, a distance of 50.00 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

S 10°41'18" W through said City of Northampton, a distance of 50.00 feet to a point, said point marks the easterly side line of the parcel herein described, thence;

N 79°18'42" W through said City of Northampton, a distance of 50.00 feet to a point, said point marks the easterly side line of the parcel herein described, thence

S 10°41'18" W through said City of Northampton, a distance of 50.00 feet to a point, said point marks the southeasterly corner of the parcel herein described, thence;

N 79°18'42" W along said City of Northampton, a distance of 33.00 feet to a point, said point marks the easterly line of a parcel, now or formerly Christopher F. & Christine M. Adams as described in a deed recorded in Book 4759 Page 128 of the Hampshire Registry District, said point bearing N 10°41'18" E, a distance of 53.15 feet from an iron pipe found, said point marks the southerly side line of the parcel herein described, thence

N 79°18'42" W along said Adams, a distance of 10.00 feet to a point, said point marks the southwest corner of the parcel herein described, thence;

N 10°41'18" E along said Adams, a distance of 100.00 feet to a point, said point marks the westerly line of the parcel herein described, thence;

S 79°18'42" E along said Adams, a distance of 10.00 feet to a point, said point marks the westerly line of the parcel herein described, thence;

N 10°41'18" E along said Adams, a distance of 69.77 feet to a point, said point marked by an iron pipe found, said point marks the southeasterly corner of a parcel, now or formerly Glenn S. Fagen & Diana L. Ajjan as described in a deed recorded in Book 4388 Page 293 of the Hampshire Registry District, said point marks the westerly side line of the parcel herein described, thence;

N 02°11'58" E along said Fagen & Ajjan, a distance of 155.24 feet to a point, said point marked

by an iron pipe found, said point marks the southeasterly corner of a parcel, now or formerly Jenny Mirian Hein as described in a deed recorded in Book 5948 Page 121 of the Hampshire Registry District, said point marks the westerly side line of the parcel herein described, thence;

N 01°30'16" E along said Hein, a distance of 233.37 feet to a point, said point marks the southeasterly corner of a parcel, now or formerly Hans F. & Ilse I. Lieberwirth as described in a deed recorded in Book 1202 Page 230 of the Hampshire Registry District, said point marks the westerly side line of the parcel herein described, thence;

N 07°39'04" W along said Lieberwirth, a distance of 63.74 feet to a point, said point marks the westerly side line of the parcel herein described, thence;

N 18°07'39" W along said Lieberwirth,, a distance of 70.37 feet to a point, said point marks the southeasterly corner of a parcel, now or formerly Michael B. Gormely III & Donna L. Gormely as described in a deed recorded in Book 2160 Page 11 of the Hampshire Registry District, said point marks the westerly side line of the parcel herein described, thence;

N 30°30'21" W along said Gormely, a distance of 43.98 feet to a point, said point marks the westerly side line of the parcel herein described, thence;

N 38°19'26" W along said Gormely, a distance of 176.44 feet to a point, said point marked by an iron pipe found, said point marks the westerly side line of the parcel herein described, thence;

N 28°42'15" W along said Gormely, and land of said Michael A. Klein & Amy L. Fowler a distance of 149.58 feet to the point of beginning.

The above described parcel contains 39,397 square feet more or less, being depicted as Clark Street on a plan entitled, "Street Acceptance Plan, Plan of Land in Northampton MA, Hampshire County, prepared for The City of Northampton", dated 06-16-2014. Prepared by Northeast Survey Consultants.

The basis of bearing being the Massachusetts Coordinate System NAD 83

Being a portion of the premises conveyed in the following deeds recorded in the Hampshire Registry of Deeds: Book 10930, Page 104, Book 4452, Page 92, Book 7115, Page 180, Book 4525, Page 344, Book 1079, Page 73, Book 1110, Page 303, Book 4759, Page 128, Book 4388, Page 293, Book 5948, Page 121, Book 1202, Page 230, Book 2160, Page 11, Book 7145, Page 45.



PLAN OF LAND IN  
NORTHAMPTON, MA  
HAMPSHIRE COUNTY  
PREPARED FOR THE  
CITY OF NORTHAMPTON

SURVEYOR:	DFS	ENGINEER:	--
DRAFTING:	NAE	DESIGN:	--
FIELD WORK:	JOG	HORIZ. SCALE:	1"=40'
PROJECT NUMBER:	13-008.24	VERT. SCALE:	--
DRAWING NAME:	13-008.24.DWG	DATE:	06-16-2014

STREET  
ACCEPTANCE  
PLAN